

SOLOMON AMENDMENT

* * *November 29, 1999, Legal Affairs Division* * *

On December 26, 1997, the Legal Affairs Division sent out an advisory regarding federal legislation known as the Solomon Amendment (Public Law 104-208 and 104-206). The Solomon Amendment cuts off federal funding to colleges that restrict campus access for military recruiters and ROTC programs. The funds covered by the Solomon Amendment included student financial aid funds granted to college districts, but apparently did not include funds, such as Pell Grants or students loans, that are provided directly to individual students.

Congress recently passed a bill which alters the Solomon Amendment (H.R. 2561, PL 106-79, 10/25/1999, Department of Defense Appropriations Act, 2000), that provides:

"SEC. 8120. During the current fiscal year [ending September 30, 2000] and hereafter, any Federal grant of funds to an institution of higher education to be available solely for student financial assistance or related administrative costs may be used for the purpose for which the grant is made without regard to any provision to the contrary in section 514 of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1997 (10 U.S.C. 503 note), or section 983 of title 10, United States Code."

This means that student financial aid funds are no longer at risk for violation of the Solomon Amendment, but other federal funding will remain at risk. A district should consult its local legal counsel prior to considering any revision to policies in this area.